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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,961	12/30/2004	Toshirou Kisakibaru	2471/109	5432
2101 7590 02/04/2008 BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER PHAM, MINH CHAU THI	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 02/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/519,961

**Applicant(s)**

KISAKIBARU, TOSHIROU

**Examiner**

MINH-CHAU T. PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-8, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taub (5,795,369), in view of Taub (5,730,786).

Taub (-369) discloses an air purifying device (300) comprising a hollow cylindrical filter (302) made by forming a filter media (326) in a cylindrical shape having an air passage in the central hollow portion, an intake member (304) having an intake hole (318) on the end of the cylindrical filter (302) so that the hole communicates with the air passage (see Figs. 6 & 7, col. 9, line 59 through col. 10, line 21). The cylindrical filter (302) further has a cap (330) fixed on the end of the hollow cylindrical filter (302). Taub further discloses a supporting rod (46) with which the intake member and the cap are coupled at both ends of the supporting rod (46) in the air passage (see 46 in Fig. 2, col. 7, line 60 through col. 8, line 12). Taub also discloses the air intake member (304) constructed as a box having a passage for air inside it and having holes to be inserted of each of the cylindrical filter (see Fig. 6), and multiple hollow cylindrical filter (302) positioned in parallel and each being made by forming a filter media (326) in a cylindrical shape having an air passage in the central hollow portion. Claims 1-8, 19

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and 20 differ from the disclosure of Taub in that the filter element being a hollow cylindrical filter, and the device has two air intake members instead of only one. Taub (786) discloses the filter element (44) being a hollow cylindrical filter (see 44 in Figs. 2 & 3) having an air passage in the central hollow portion so that air supplied into air passage is discharged substantially uniformly through an annular portion of the hollow cylindrical filter (see air flow arrow through filter (44) in Fig. 4). Either Taub references discloses there is only one air intake member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide two air intake members, each at each end of the filter element, instead of only one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taub (5,795,369), in view of Taub (5,730,786), as applied supra, and further in view of the Japanese reference (JP 57-134520).

Claims 9-18 call for the casing having a slit with guide plates furnished on both sides of the slit. The Japanese reference discloses an air purifying device (1) with an air intake (2) comprising a slit (3) with guide plates furnished on both sides of the slit (3) (see Fig. 1). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a slit with guide plates as taught by the Japanese reference in the air purifying device of either the Taub references since the configuration of the slit with guide plates would provide uniform distribution of the air flow therethrough. Claims 11-18 call for two slits instead of one. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to provide two slits, instead of one slit, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

***Response to Amendment***

Applicant's arguments filed on November 15, 2007 have been fully considered but they are not persuasive.

Applicant amends the claims to incorporate the limitation of a hollow cylindrical filter "so that air supplied into the air passage is discharged substantially uniformly through an annular portion of the hollow cylindrical filter" and argues that the cited primary reference Taub does not disclose such a limitation. The cited Taub reference (-369) discloses a cylindrical pleated filter element instead of a cylindrical smooth filter element. The purpose of a pleated filter media instead of a smooth filter media is to increase filtration surface area so that the filter element can last much longer. Anyway, the Examiner newly introduces another Taub reference (-786) as the secondary reference under the 103(a) rejection in combination with the Taub reference (-369) to show the filter element can be a smooth hollow cylindrical filter (see 44 in Figs. 1 & 2) so that air supplied into the air passage is discharged substantially uniformly through an annular portion of the hollow cylindrical filter (see air flow arrow uniformly passes through an annular portion of the hollow cylindrical filter (44) as clearly illustrated in Fig. 4), as claimed.

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Applicant's arguments with respect to claims 1-20 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



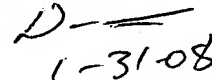
**Minh-Chau Pham**

Patent Examiner

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January 29, 2008

DUANE SMITH  
PRIMARY EXAMINER

  
1-31-08